

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1018 be amended to read as follows:

- 1           Between the enacting clause and line 1, begin a new paragraph and  
2           insert:  
3           "SECTION 1. IC 9-19-10-2 IS AMENDED TO READ AS  
4           FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. **(a) This section**  
5           **does not apply to the occupant of a school bus.**  
6           **(b)** Each front seat occupant of a passenger motor vehicle that is  
7           equipped with a safety belt meeting the standards stated in the Federal  
8           Motor Vehicle Safety Standard Number 208 (49 CFR 571.208) shall  
9           have a safety belt properly fastened about the occupant's body at all  
10          times when the vehicle is in forward motion.  
11          SECTION 2. IC 9-19-10-2.3 IS ADDED TO THE INDIANA CODE  
12          AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
13          1, 2007]: Sec. 2.3. **(a) This section applies beginning July 1, 2009.**  
14          **(b) A school bus initially placed into service after June 30, 2009**  
15          **must be equipped, for each occupant, with a safety belt meeting the**  
16          **standards established by the school bus committee under section**  
17          **6(d) of this chapter.**  
18          **(c) Each occupant of a school bus referenced in subsection (b)**  
19          **shall have a safety belt properly fastened about the occupant's**  
20          **body at all times when the school bus is in forward motion.**  
21          SECTION 3. IC 9-19-10-6 IS AMENDED TO READ AS  
22          FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) **Except as**  
23          **provided in subsection (d),** a safety belt must be of a type and must be  
24          installed in a manner approved by the bureau.

(b) **Except as provided in subsection (d)**, the bureau shall establish specifications and requirements for approved types of safety belts and attachments to the safety belts.

(c) **For purposes of subsections (a) and (b)**, the bureau shall accept, as approved, a ~~seat~~ **safety** belt installation and the belt and anchor meeting the Society of Automotive Engineers' specifications.

**(d) The state school bus committee established under IC 20-27-3-1 shall adopt rules under IC 4-22-2 establishing standards and requirements for safety belts and attachments to safety belts for use in school buses.**

SECTION 4. IC 9-19-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) Failure to comply with ~~section~~ **sections** 1, 2, **2.3**, 3, or 4 of this chapter does not constitute fault under IC 34-51-2 and does not limit the liability of an insurer.

(b) Except as provided in subsection (c), evidence of the failure to comply with ~~section~~ **sections** 1, 2, **2.3**, 3, or 4 of this chapter may not be admitted in a civil action to mitigate damages.

(c) Evidence of a failure to comply with this chapter may be admitted in a civil action as to mitigation of damages in a product liability action involving a motor vehicle restraint or supplemental restraint system. The defendant in such an action has the burden of proving noncompliance with this chapter and that compliance with this chapter would have reduced injuries, and the extent of the reduction.

SECTION 5. IC 9-19-10-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 8.5. The operator of a school bus who permits a violation of section 2.3(c) of this chapter commits a Class D infraction.**

SECTION 6. IC 9-19-10-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. A person who violates section 5 ~~or~~ 6 of this chapter commits a Class C infraction."

Page 1, after line 10, begin a new paragraph and insert: "SECTION 8. IC 20-27-3-4, AS AMENDED BY P.L.107-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) The committee has the following powers:

- (1) The committee may adopt rules under IC 4-22-2 establishing standards for the construction of school buses and special purpose buses, including minimum standards for the construction of school buses and special purpose buses necessary to be issued a:
  - (A) valid certificate of inspection decal; and
  - (B) temporary certificate of inspection decal described in IC 20-27-7-10.

- (2) **Except as provided in subsection (b)(2)**, the committee may adopt rules under IC 4-22-2 establishing standards for the equipment of school buses and special purpose buses, including minimum standards for the equipment of school buses and special

1 purpose buses necessary to be issued a:

2 (A) valid certificate of inspection decal; and

3 (B) temporary certificate of inspection decal described in  
4 IC 20-27-7-10.

5 (3) The committee may adopt rules under IC 4-22-2 specifying  
6 the minimum standards that must be met to avoid the issuance of  
7 an out-of-service certificate of inspection decal.

8 (4) The committee may provide for the inspection of all school  
9 buses and special purpose buses, new or old, that are offered for  
10 sale, lease, or contract.

11 (5) The committee may provide for the annual inspection of all  
12 school buses and special purpose buses and the issuance of  
13 certificate of inspection decals.

14 (6) The committee may maintain an approved list of school buses  
15 and special purpose buses that have passed inspection tests under  
16 subdivision (4) or (5).

17 (7) The committee may, subject to approval by the state board of  
18 accounts, prescribe standard forms for school bus driver contracts.

19 (8) The committee may hear appeals brought under  
20 IC 20-27-7-15.

21 (b) The committee shall adopt rules under IC 4-22-2 to:

22 (1) set performance standards and measurements for determining  
23 the physical ability necessary for an individual to be a school bus  
24 driver; **and**

25 (2) **establish standards and requirements for safety belts and**  
26 **attachments to safety belts for use in school buses as required**  
27 **under IC 9-19-10-6(d).**

28 (c) The certificate of inspection decals shall be issued to correspond  
29 with each school year. Each certificate of inspection decal expires on  
30 September 30 following the school year in which the certificate of  
31 inspection decal is effective. However, for buses that are described in  
32 IC 20-27-7-7, the certificate of inspection decal expires on a date that  
33 is not later than seven (7) months after the date of the first inspection  
34 for the particular school year."

35 Renumber all SECTIONS consecutively.

(Reference is to HB 1018 as printed January 26, 2007.)

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Representative Buck